

Ms Orr:

The NPDES permit for GP Crossett expired August 31, 2009. This facility is a timber processing facility which has been around since the 1920's. On average, the plant discharges approximately 45 million gallons per day (MGD) of treated stormwater, process, and domestic wastewater into the Ouachita River via Mossy Lake and Coffee Creek. Based on current Arkansas State Regulation No. 2, A-29 and A-31 Mossy Lake and Coffee Creek have no designated uses and are exempt from specific state water quality standards. At its confluence with the Ouachita River, Coffee Creek is approximately 2.5 miles away from the Louisiana state border. In the process of developing the draft permit, the Arkansas Department of Environmental Quality (ADEQ) consulted the Louisiana Department of Environmental Quality (LDEQ) to ensure the discharge would not violate any Louisiana state water quality standards. LDEQ provided preliminary comments to ADEQ via email in August of 2009. ADEQ incorporated LDEQ's comments and provided EPA Region 6 with the draft permit for review in November, 2009. EPA reviewed the draft permit for compliance with the Clean Water Act (CWA) and NPDES permitting regulations. Based on this review, it was determined that the draft permit complied with the CWA and the regulations. A no objection letter was issued to ADEQ in December, 2009. ADEQ sent the draft permit to public notice in February, 2010 and at the present time is addressing numerous comments. ADEQ plans to issue the draft permit final by July 2010.

EPA has recommended that ADEQ move forward in adopting uses for Coffee Creek and Mossy Lake that are equivalent to CWA 101(a)(2) –fishable/swimmable- or support adoption of less than 101(a)(2) uses through a use attainability analysis (UAA). To the best of our knowledge, the State has not done so for Coffee Creek and Mossy Lake, as well as a few other waters identified in their water quality standards (WQS) document (Regulation 2). A UAA from 2007 determined that the State's Gulf Coastal Ecoregion (GCER) use is attainable for these two waterbodies. As stated in our March 2009 letter to Steve Drown, we commented that, unless the State rebuts this presumption, EPA must assume that uses equivalent to CWA 101(1)(2) apply to these waters. In April 2010, EPA met with ADEQ and representatives of GP Crossett. In this meeting and in a subsequent letter, EPA explained what actions are available for the State to take to resolve this issue. The State's options included: 1. Adopting 101(a)(2) uses or rebutting this designation by way of a UAA or economic UAA, 2. Issuing a variance to allow GP time to come into compliance, and 3. EPA makes an Administrator finding and promulgates appropriate uses on the waterbodies in question. We asked the State to respond with a course of action by July of this year.